

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

| | | |
|------------------------------|---|--------------------------------------|
| Dwayne Sims, | : | |
| | : | Case No. 1:23-cv-00105 |
| Plaintiff, | : | |
| | : | |
| v. | : | Judge Jeffrey P. Hopkins |
| | : | |
| C/O McCloud, <i>et al.</i> , | : | Magistrate Judge Stephanie K. Bowman |
| | : | |
| Defendants. | : | |

**DEFENDANTS, CHRISTOPHER MCCLOUD, JEREMY OPPY, AND COREY
SAMMONS', MEMORANDUM IN RESPONSE TO PLAINTIFF'S MOTION TO
APPOINT COUNSEL [DOC. 23]**

NOW COME the defendants, Christopher McCloud, Jeremy Oppy, and Corey Sammons ("Defendants"), by and through counsel, and hereby state their response to Plaintiff's Motion to Appoint Counsel.

Defendants do not oppose the appointment of counsel in this matter to assist Plaintiff in litigating and potentially mediating this matter. On March 16, 2024, Plaintiff conversed with the undersigned and stated he opposed any extension to file a dispositive motion but was amenable to mediating this matter. On March 26, 2024, Plaintiff contacted the undersigned and stated he opposed both any extension to file a dispositive motion and mediation. Plaintiff filed his motion for appointment of counsel on this same date. [Doc. 23].

The undersigned truly believes this matter is appropriate for mediation since the parties previously discussed a resolution but could not come to mutually agreeable terms. Having counsel appointed on behalf of Plaintiff will assist in resolving this matter. Additionally, having counsel will assist Plaintiff in maintaining a consistent position in this matter.

For this reason, Defendants do not oppose the appointment of counsel in this matter.

Respectfully submitted,

DAVE YOST
Ohio Attorney General

/s/ D. Chadd McKitrick

D. CHADD MCKITRICK (0073750)*

**Lead Counsel*

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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Defendants' Memorandum in Response to Plaintiff's Motion for Appointment of Counsel* has been electronically filed on April 12, 2024, and has been served upon Plaintiff via U.S. mail, postage prepaid at the below address.

Dwayne Sims, #A753-052
Toledo Correctional Institution
P.O. Box 80033
Toledo, Ohio 43608

/s/ D. Chadd McKitrick

D. CHADD MCKITRICK (0073750)

Senior Assistant Attorney General